

APPEAL NO. 041453  
FILED JULY 21, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 11, 2004. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, extends to a cervical strain, but does not include the left elbow, and that the claimant had disability from January 5 through May 1, 2001. The claimant appealed the hearing officer's determination that the compensable injury does not include her left elbow. The respondent (carrier) asserts that the claimant's appeal is untimely and that the evidence supports the hearing officer's determination regarding the left elbow. There is no appeal of the hearing officer's determination that the compensable injury includes a cervical strain nor the hearing officer's determination on the disability issue.

DECISION

Affirmed.

The claimant's appeal was timely filed in accordance with Section 410.202 as amended June 17, 2001, and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(e) (Rule 143.3(e)).

The claimant had the burden to prove the extent of her compensable injury. Conflicting evidence was presented with regard to whether the claimant's compensable injury extends to include an injury to her left elbow. The hearing officer resolved the conflicts in the evidence by deciding that the claimant's compensable injury does not include her left elbow. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision that the claimant's compensable injury does not include the left elbow is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address if its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Edward Vilano  
Appeals Judge